

Committee on Resources

Full Committee

Testimony

STATEMENT TO THE HOUSE RESOURCES COMMITTEE

BY THE HONORABLE PHILIP MULLER,

RMI MINISTER OF FOREIGN AFFAIRS AND TRADE

May 11, 1999

Mr. Chairman and Distinguished Members of the House Committee on Resources:

I bring warm greetings and "Iakwe" from His Excellency, President Imata Kabua, and the people of the Republic of the Marshall Islands. It is my pleasure to introduce the members of our delegation - The Honorable Jurelang Zedkeia, Vice-Speaker of the Nitijela, Minister of Finance Tony de Brum, Minister of Internal Affairs and Representative of the People of Utrik, Hiroshi Yamamura, Minister in Assistance and Representative of the People of Rongelap, Johnsay Riklon, Minister of Justice and Representative of the People of Ailuk, Hemos Jack, Senator Ishmael John, Representative of the People of Enewetak, Senator Henchi Balos, Representative of the People of Bikini, and Secretary of Foreign Affairs & Trade Marie Maddison.

It is an honor for me to appear today on behalf of the Republic of the Marshall Islands (RMI). This hearing provides a valuable opportunity to share views on important issues as we move toward Compact negotiations later this year. For my part, I will discuss the importance of the bi-lateral relationship between the RMI and the U.S. Secretary Marie Maddison will summarize where the four atolls are in term of the Compact related programs they receive as well as their future needs. Minister Tony de Brum will describe the national impacts of the U.S. Nuclear Weapons Testing Program. The RMI Government also supports and appreciates the contribution of the Nuclear Claims Tribunal to this hearing. Chairman Oscar de Brum will provide a progress report on the Tribunal's ability to make personal injury and property awards.

Congressional visit to the RMI, February, 1999

President Kabua asked me to convey his sincere thanks to the Chairman and members and staff of this and other Committees for your visit to the RMI this February. We certainly appreciate your willingness to travel such great distances to improve your

understanding of our bilateral relationship. The RMI Government views the CODEL visit as a demonstration of this Committee's commitment to the bilateral relationship. Because of your trip, perhaps this Committee has a better understanding of the time and resources the RMI Government devotes each time we come to Congress to work with you.

While previous Congressional visits have been of mutual benefits, it is our view that this recent trip was a particularly worthwhile and successful visit. Not only was there a large number of members in the visiting

delegation, but a wide range of committees and sub-committees were represented as well. We enjoyed this rare opportunity to have exchanges with you and your staff on a wide-range of issues. We hope that members of your delegation found the visit to be just as useful and informative.

We are thankful that the delegation was able to participate in a special session of the Nitijela. During that session, we presented Nitijela Resolution # 85, the measure that supports the renaming of the U. S. Army Kwajalein Atoll (USAKA) facility to honor President Ronald Reagan. I attach a copy of that Resolution, together with the copy of Nitijela Resolution # 67 of November 3, 1998, a related resolution recognizing the importance of the bilateral relationship with the U.S.

Mr. Chairman, in your April 19, 1999, letter to President Imata Kabua, you indicated that as a result of your CODEL trip and your discussions with President Kabua you decided to convene a hearing regarding the complex and unique radiological issues in the Marshall Islands. The RMI Government appreciates your leadership in continuing to investigate radiation issues in the Marshall Islands.

Before I begin my testimony, I wish to express the RMI Government's appreciation to Secretary Albright for appointing Mr. Allen Stayman as the Special Negotiator for the Compact of Free Association. Mr. Stayman is well respected in the RMI and knowledgeable about bilateral issues. We congratulate Mr. Stayman on this appointment, and look forward to working with him. We are hopeful that the negotiating process established by the U.S. will be more transparent and cooperative than the last time. It is the RMI's hope that there will be no more situations like the Section 177 negotiations during which information was covered up and agreement was forced. The U.S. and the RMI are friends and partners and we hope the negotiation process will reflect our long history together.

The importance of the bilateral relationship

Mr. Chairman, it is gratifying for the RMI Government to know that the U.S. and the RMI governments share the same commitment to our bilateral relationship. This commitment is demonstrated both in the Compact of Free Association and in the corresponding resolutions recently forwarded by the House of Representatives and the Nitijela. The RMI Government appreciates the expressions of friendship articulated in House Concurrent Resolution 92, a resolution introduced by Chairman Young, Congressman Gilman, and Congressman Faleomevega. In that concurrent resolution, you note that:

...for 50 years the Marshall Islands has played a unique and indispensable role in maintaining international peace and security through activities of the United States in the Marshall Islands which were essential to the feasibility and ultimate success of the United States-led strategy of nuclear deterrence during the Cold War era, as well as the United States Strategic Defense Initiative which contributed significantly to the end of the nuclear arms race;

Despite the hardships that the Marshallese have endured, it is comforting to know that the U.S. Congress is aware and appreciative of the special role that the Marshallese people played in promoting peace and security. As friends, partners and strategic allies, it is imperative to address the human and environmental consequences of world security so that our bilateral relationship can continue to grow and flourish. My colleagues at the table here with me this afternoon will describe the hardships that the Marshallese endure, and address the adequacy of provisions in the Compact intended to mitigate these consequences.

It is important to assist people who were adversely affected by U.S. efforts to promote world peace and security. In addition to communities affected by nuclear testing, our governments must respond to the needs

of populations affected by the U.S. missile testing activities on Kwajalein. As you are aware, on several occasions the RMI government has promptly accommodated Department of Defense requests to utilize additional islands at Kwajalein to expand its activities. The RMI also supports current U.S. military objectives through the participation of Marshallese citizens in the U.S. armed forces. Geopolitically, the Marshall Islands also provides a permanent buffer zone between the United States and potential threats from Asia. By maintaining exclusive defense rights in this area, the U.S. extends its military access to approximately 1 million square miles of the Pacific Ocean where no other foreign military can enter.

Simply put, the relationship with the U.S. is unique and unprecedented. The RMI remains proud of the fact that no other country supports the U.S. strategic interests to the same extent that it has, and does. Clearly, however, all is not perfect with the relationship, and there are a number of issues that need to be better addressed. Fortunately, the U.S. and the RMI will have the opportunity to revisit elements of the Compact of Free Association during Compact renegotiations. The RMI is currently in the process of identifying issues it will discuss with the U.S. later in the year. What I would like to do here, however, is raise some current and pressing issues that need prompt resolution:

Adequacy of Section 177 and the nuclear-related provisions of the Compact

As you will hear today, the RMI is extremely concerned about the inadequate funding and narrow parameters of Section 177 and its related provisions. The failures of Section 177 allow human suffering caused by the testing to continue. This situation must be addressed immediately, as the whole credibility of the 177 programs and claims settlement process as a means of redressing injuries and other losses is now in question.

As the Committee may be aware, when Marshallese claims for nuclear-testing related injuries and losses were removed from the U.S. courts, this was done on the premise that the funding for the RMI Nuclear Claims Tribunal would result in just and adequate compensation to proven claimants. Testimony before this Committee will establish that the \$150 million amount that was allocated for the fund was determined purely as the result of a political process, without any attempt to quantify existing, or future injuries or losses. The RMI Government does not want to reopen the claims process in U.S. courts and hopes that Congress will provide a timely infusion of adequate funding for the RMI Nuclear Claims Tribunal.

The RMI Government also requests this Committee to consider its changed circumstances request. The petition demonstrates injuries resulting from the U.S. Nuclear Weapons Testing Program have arisen and been discovered in the RMI since the Compact took effect that could not reasonably have been discovered prior to the effective date of the Compact. Such injuries render the terms of the Section 177 Agreement manifestly inadequate to provide just and adequate compensation for Marshallese people and damage or loss of land resulting from the U.S. Nuclear Weapons Testing Program.

In part because of a lack of scientific knowledge about the fallout range and effects of nuclear bombs, and in part because of the U.S. security needs regarding information about its nuclear arsenal, the Nuclear Claims Tribunal was funded without the Marshallese people knowing with any certainty the true extent of the personal injuries or the environmental property damage that the 67 nuclear blasts actually caused. Since the time the Compact was implemented, this information has become increasingly clear. As strategic partners with continued interests extending into the future, the RMI Government hopes to gain the cooperation of this Committee in the consideration of the RMI's petition on changed circumstances.

The mid-corridor people

Mr. Chairman, as we move forward into the Compact negotiations, we believe that it is important to invite suggestions from Congress regarding ways to better address the humanitarian needs of the people of the Marshall Islands, particularly those affected by strategic interests. For example, multiple communities within the RMI were displaced in conjunction with the nuclear testing program and the testing of missile defense systems. One of the unexpected outcomes of the massive displacement of communities in the Marshall Islands is the stifling of human development. I refer here to a generation or more of Marshallese whose whole health and education development was essentially arrested while they attempt to deal with disruptions to their communities.

The displacement of communities is much more complex than simply moving to another island. Accompanying their displacement are shifts to new living accommodations, hunger, lack of employment, and an inability to access much needed educational and health services. Consider the "mid-corridor" people from Ebeye, for example. The mid-corridor people whose land is literally the target for U.S. missiles were temporarily relocated to Ebeye Island. When this relocation took place in 1965, 256 people were provided temporary housing on Ebeye. Today, that population has swelled to 2,500 people who are forced to share the same, confined living area as the original 256 people. Because of the extreme overcrowding and urban poverty the mid-corridor people contend with, people literally sleep in shifts in order to accommodate members of their households. The average house in Ebeye is a two-room apartment with no flush toilet and 37 people to a household.

Mr. Chairman, there are entire populations in the Marshall Islands, such as the mid-corridor people, who are slipping through the cracks of the Compact's programmatic assistance. Members of this Committee's CODEL who visited Ebeye in February visited some of the homes of the mid-corridor people and can attest to the dilapidated, overcrowded housing conditions and the horrific condition of the water, sanitation, health and education facilities for this population. Due to extreme overcrowding, the only playground for the mid-corridor children is the local garbage dump. The area of Ebeye that the mid-corridor people, as well as many of the displaced people from Rongelap, currently reside in is "Dump Town." I know that the U.S. Government never intended for the Marshallese people with land rights on the islands supporting U.S. missile defense programs to live in such squalor.

A permanent solution must be found urgently to alleviate this desperate situation. When the mid-corridor people were moved from their islands to Ebeye, they were promised that their housing, power and water would be taken care of. Chairman Oscar deBrum was involved in the relocation of these people and can testify to the support that the U.S. Government promised these people. Unfortunately, there are no written documents that articulate the promises made. The RMI Government has been asked by the Administration to produce written proof of these promises before any action can be taken. We cannot produce documents testifying to the promises made to the mid-corridor people, nor can we produce documents that specify the promises made to the communities displaced by the nuclear testing program. It is unfair to demand such a strictness in producing records when the Trust Territory documents are not in our possession. The mid-corridor people and the RMI's most respected statesman, Oscar deBrum, know that the people were promised that they would be moved temporarily and that their housing, water and power would be taken care of in the interim. Mr. Chairman, this promise is now more than 3 decades old. It is not fair that a population should experience acute poverty because they relinquished their lands in support of the U.S. missile defense testing programs.

Let me emphasize, Mr. Chairman, that the RMI Government has always acted with great alacrity to requests from the U.S. military to accommodate its emerging needs. It is simply untenable for the RMI to receive

ongoing request for assistance from the U.S. military when it is unwilling to meet even the most basic needs of the Marshall Islands.

Economics and security: the Mutual Security Agreement

One of the fundamental objectives of the U.S. when concluding the Compact with the RMI was the increase in Marshallese economic development and self-sufficiency. Indeed, the basis upon which the U.S. obtained its ongoing security rights under the Compact was the corresponding obligation on the U.S. to foster RMI's economic development. This principle is expressly stated in the Mutual Security Agreement that states:

"The Government of the United States and the Government of the Marshall Islands recognize that sustained economic advancement is a necessary contributing element to the mutual security goals expressed in this agreement." (Agreement Between the Government of the United States and the Republic of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Section 321 and 323 of the Compact of Free Association).

The concept of mutual security is premised on the shared security resulting from the Compact: the U.S. gains military security and the RMI gains economic security. Specific provisions in the Compact are intended to foster economic development in the RMI, a condition necessary to support the security requirements of the U.S. Although there are many provisions of the Compact intended to boost the RMI's security - economic development - the RMI Government is having great difficulty in implementing these provisions. Regrettably, these provisions provide some of the most basic services to the Marshallese people. These provisions include economic benefits to offset lost economic incentives, essential air services, and the rights of Marshallese to seek employment in the United States.

Section 111(d). A major aspect of the U.S. Government's obligation to provide economic growth in the RMI was the Section 111(d) Compact provisions. As I testified before the joint hearing sponsored by this Committee and the International Affairs Committee last October, the RMI lost these benefits when the U.S. made unilateral changes to the Compact that the Marshallese electorate decidedly approved. Again, we thank Congress for recognizing the economic loss as a result of the removal of the economic incentives. Yet, we have only received 1/10th of the amount established as the U.S. commitment under Section 111(d). This matter has been allowed to linger until the end of the Compact. As we begin to examine the economic growth developed by the RMI as a result of Compact assistance, it is clear that the RMI's economic growth is stifled by the unilateral removal from the Compact of essential economic benefits.

Essential air services. Another issue I raised last October is the need for the U.S. to carry through on its commitment to facilitate adequate air transportation to the Marshall Islands. Ever since the Essential Air Service protection for the Freely Associated States was allowed to elapse last September 30, 1998, there has been serious interruption to passenger and cargo flows to the RMI. In order to attend this hearing, members of the RMI delegation incurred large travel costs because they left much earlier than desired because all flights from Majuro are currently booked for the next 2 months.

We were very hopeful that this situation would be eased on February 18, 1999, when the Undersecretary of Defense authorized two additional transit stops in Johnston Island that the RMI designated Aloha Airlines to use. I regret to advise that, notwithstanding the best efforts of the Department of Defense's Office of International Security Affairs to have the U.S. Air Force implement this authorization, the Air Force has adopted an extraordinarily unhelpful and bureaucratic attitude on this matter. I find the Air Force's attitude troubling particularly since one of the direct beneficiaries to this arrangement is the U.S. Air Force itself that

has ongoing assets and operations in the Marshall Islands. Many months later, we are no closer to having Aloha be able to use this authorization than we were when the transit stops were first authorized.

Employment authorization. There is often a delay in the processing of work-authorization approvals for Marshallese citizens. This delay often results in potential employers withdrawing initial job offers in favor of people who do not experience employment approval difficulties. Of equal concern is that, even if the employer was willing to hold open job offers initially, they are often unwilling to suffer the interruption in employment that occurs when extensions to work-authorization are made. This often means that employment is terminated during the extension request process, often with an unwillingness to reemploy Marshallese citizens after the extension request is finally granted. This bilateral issue must be addressed: RMI citizens are hard-working and contribute to the economic bases of their communities.

Asian Development Bank. Another major factor that undermines the economic security of the RMI that U.S. military security depends upon is the international lending institution that the Clinton Administration supports in the RMI, the Asian Development Bank. If economic development is a prerequisite and integral component of military security, then the RMI Government is at a loss to understand why the U.S. Government pushes ADB loans in the Marshall Islands. The large scale of the loans, the enormous debt burden the RMI is accruing, and the recommendations to rapidly reduce our public sector destabilizes the RMI's economic security. The RMI Government requests that the Clinton Administration allows the RMI Government's to take the lead in its financial dealings with the ADB rather than promoting a lending program that undercuts the bilateral U.S.-RMI relationship. To date, two ADB loans to the RMI, worth close to \$20 million have proven totally useless. The Kwajalein fisheries project and the Majuro water distribution project have strapped the country with loan payments for failed projects.

It is with regret that the RMI has to observe that there appears to be a pattern with respect to the economic security provisions the RMI are entitled to. The U.S. has locked-in security rights under the Compact, and they enjoy those on an ongoing, dedicated basis, some in perpetuity. And yet, when it comes to performing its corresponding obligations such as providing economic development support for the Section 111(d) rights, or to facilitating the most menial of air transit approvals, the RMI Government encounters stalling and excuses. The U.S. Government's failure to implement economic provisions in the Compact undermines popular political support in the RMI for the U.S. and its ongoing requests to the RMI for new security benefits. We do not believe that the Congress will allow this situation to continue, and we seek your assistance to remedy the situation.

Mr. Chairman, I want to thank you and your colleagues again not only for your willingness to come to the Marshall Islands, but also to hold this hearing today. We look forward to working with this Committee to address the circumstances that have led to a growing gap between the burdens assumed by the RMI and its people under the Compact and the associated benefits enjoyed by the U.S. All of the issues I raised today are in both of our nations' best interest to resolve. The RMI Government thanks you for your ongoing support and assistance.

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